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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADY MASOOD,
Petitioner,
v.
WILLIAM P. BARR, et al.,
Respondents.

Case No. 19-cv-07623-VKD

**ORDER TO SHOW CAUSE
IMMIGRATION HABEAS PETITION**

Re: Dkt. No. 1

Petitioner Ady Masood, a detainee in immigration custody, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and § 2243, challenging his detention at the Yuba County Jail in Marysville, California. According to his petition, in August 2019, an immigration judge denied Mr. Masood's asylum application and ordered him removed to Israel or Jordan. Dkt. No. 1. Mr. Masood's appeal of that decision is pending. *Id.* Meanwhile, Mr. Masood says he has remained in detention since April 2019, and Immigration and Customs Enforcement's ("ICE") has denied his request for parole. *Id.* The petition asserts four claims for relief on the grounds that Mr. Masood's prolonged detention without a bond hearing violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment's prohibition against excessive bail. *Id.*

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, respondents are ordered to show cause why the petition should not be granted.

To expedite the resolution of this case, the Court further orders as follows:

1. The Clerk of the Court shall serve Respondents, the Attorney General of the United States, and the Attorney General for the Northern District of California with a copy of this Order to Show Cause, as well as the Verified Petition for Writ of Habeas Corpus and all attachments (Dkt. No. 1).

2. The parties are reminded that this matter has been randomly assigned to the undersigned magistrate judge for all purposes. By **December 4, 2019** all parties who have not yet done so shall file either a consent or declination to proceed before a magistrate judge. The consent/declination form is available on the Northern District of California's website, https://cand.uscourts.gov/filelibrary/1335/MJ_Consent-Declination_Form_Jan2014.pdf. Parties are free to withhold consent without adverse substantive consequences. Fed. R. Civ. P. 73(b)(2).
3. By **December 4, 2019**, respondents shall file with the Court and serve on petitioner a return showing cause why a writ of habeas corpus should not be granted.
4. If Mr. Masood wishes to respond to the return, he shall do so by filing a traverse with the Court and serving it on respondents no later than **December 9, 2019**.
5. Unless otherwise ordered, the Court sets a hearing on the matter for **December 12, 2019, 10:00 a.m.**, Courtroom 2, Fifth Floor, United States District Court, 280 South First Street, San Jose, California.

IT IS SO ORDERED.

Dated: November 21, 2019

Virginia K. Demarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge